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In re Application of  
SHAHER, et al.  
Application No.: 10/562,257  
PCT No.: PCT/EP04/14219  
Int. Filing Date: 14 December 2004  
Priority Date: 15 December 2003  
Attorney Docket No.: 17979-034US1 04157PUS  
For: OBJECTIVES AS A MICROLITHOGRAPHY  
PROJECTION OBJECTIVE WITH AT LEAST  
ONE LIQUID LENS

DECISION ON PETITION

UNDER 37 CFR 1.497(d)

This decision is in response to applicant's "Request to Correct Inventorship Under 37 C.F.R. 1.48(a)(1)" filed 04 December 2006 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.497(d). Applicant has provided payment of the \$130.00 petition fee.

**BACKGROUND**

On 14 December 2004, applicant filed international application PCT/EP04/14219, which claimed priority of an earlier application filed 15 December 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 June 2005.

On 21 December 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an executed declaration and a preliminary amendment.

On 06 July 2006, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903).

On 04 December 2006, applicant filed the present petition to add Wolfgang Singer as an inventor to the present application.

**DISCUSSION**

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor

- that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
  - (3) the fee set forth in 37 CFR 1.17(h); and
  - (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all four items listed above and it is proper to grant applicant's request at this time.

### **CONCLUSION**

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

The Form PCT/DO/EO/903 mailed 06 July 2006 is hereby **VACATED**.

This application has an international application filing date of 14 December 2004 and will be given a date of **04 December 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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